



# Bureau of Justice Assistance Fact Sheet

*Nancy E. Gist, Director*

## FY 1999 State Criminal Alien Assistance Program

The Bureau of Justice Assistance (BJA) provides federal assistance to states and localities for the costs of incarcerating certain criminal aliens who are being held as a result of state and/or local charges or convictions. Aliens claimed must be convicted of either a felony or two misdemeanors that occurred prior to or resulted in the current custody. The program is authorized and governed by the provisions of the Immigration and Nationality Act of 1990, as amended, 8 U.S.C. 1251(i), originally enacted as section 20301 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322).

The FY 1999 State Criminal Alien Assistance Program (SCAAP) application and award process will be modified to comply with the congressional mandate that funds be awarded within the fiscal year of appropriation. In the past, SCAAP awards were made 14 months after the appropriation was made, which placed the year of award in the following fiscal year. This one-time modification will adjust the SCAAP cycle to allow FY 1999 and subsequent awards to be made in early spring.

### Eligible Applicants

States and localities with correctional facilities that incarcerate or detain, for 72 hours or longer, persons accused or convicted of crimes are eligible to apply for SCAAP funds. The phrase "states and localities" encompasses the 50 states, the District of Columbia, Guam, Puerto Rico, the U.S. Virgin Islands, and nearly 3,000 counties and cities with jail facilities. These jurisdictions may apply for program funds or may, by formal delegation, allow their correctional agencies to apply directly for funding.

### Application and Award Process

Recipients of FY 1998 SCAAP awards who want to apply for funding under the FY 1999 SCAAP are only

required to submit the application form. Because the cost of incarceration and the number of qualifying aliens should be relatively the same from year to year, the cost and inmate data submitted and verified during the FY 1998 cycle will serve as the applicants' FY 1999 submission.

All applicants who did not receive awards under the FY 1998 SCAAP are required to submit both the application form and inmate data in accordance with the following criteria.

Applicants must submit a one-page scannable application form that includes information on inmates claimed and costs incurred. The actual cost of incarceration for each inmate per day in the applicant's jurisdiction is reported as part of the formal application. Cost calculations are based on financial records kept by the jurisdiction and include overhead costs as well as costs directly associated with inmate upkeep. Only routine operating expenditures may be included; capital expenditures and nonroutine costs must be excluded from the calculation. Applicants must also deduct any payments received from other jurisdictions to cover costs of housing inmates and should include any payments made to other jurisdictions to house their inmates.

The Immigration and Naturalization Service (INS), BJA's partner in SCAAP, is primarily responsible for verifying information on alien inmates to determine which inmates, whose records are submitted by applicants, qualify as undocumented criminal aliens. Applicants are requested to count every foreign-born inmate processed by their facilities during the reporting period used for the FY 1998 cycle (July 1, 1997, through June 30, 1998). Information about inmates who are being claimed as possible qualifying aliens, including length of stay, must be provided by applicants in a specified

format that can be compared to INS records. Applicants will be given credit for a percentage of inmates whose eligibility cannot be determined through a positive match with INS records.

BJA provides applicants with a preprogrammed diskette for direct entry of inmate data. This system accommodates applicants with small inmate populations and applicant facilities that are not fully automated. BJA also accepts data converted directly from applicants' automated record-keeping systems into the proper format for INS verification. This option is appropriate for applicants with large inmate populations and computerized systems.

An applicant's final claim for award is calculated by multiplying the total number of days served by qualifying aliens incarcerated in the applicant's facility (including a percentage of inmates not identified by INS matching procedures) by the applicant's actual average inmate cost per day. For applicants who received FY 1998 awards, final claims will be calculated based on the costs and numbers of qualifying aliens identified during the FY 1998 cycle. The sum of the final claims for all applicants is divided into the available appropriation to determine a payment percentage on the dollar of each claim. Award amount for each applicant are calculated based on that payment percentage. In prior years, payment percentages have ranged from 16 to 60 percent. These percentages should not be taken as any indicator of final award amounts.

BJA uses grants to make awards. Once the award has been accepted by the applicant, payment is made electronically. Jurisdictions may use SCAAP funds for any lawful purpose.

## Obtaining Applications and Technical Assistance

All eligible jurisdictions are directly notified of the availability of funds and application materials. Applications will be mailed directly to FY 1998 award recipients. All other potential applicants must request the SCAAP Guidance and Application Kit either by returning the postage card provided by BJA or by calling the U.S. Department of Justice Response Center. The Response Center is tasked with the first-line response to all SCAAP inquiries; BJA program staff and data-information contractors act as backup for more complex or technical questions during the application period.

## Sources for Further Information

For more information about SCAAP, call:

**U.S. Department of Justice Response Center**  
1-800-421-6770 or 202-307-1480

Response Center staff are available Monday through Friday, 9 a.m. to 5 p.m. eastern time.

The SCAAP Guidance and Application Kit and other relevant information are available on the Internet via BJA's home page at <http://www.ojp.usdoj.gov/BJA>.

### **Bureau of Justice Assistance Clearinghouse**

P.O. Box 6000  
Rockville, MD 20849-6000  
1-800-688-4252

World Wide Web: <http://www.ncjrs.org>

Clearinghouse staff are available Monday through Friday, 8:30 a.m. to 7 p.m. eastern time

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### **U.S. Department of Justice**

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